

July Zoning Board Hearing Minutes

In attendance: Joanne Fields, Harry Kramer, Joanne Redding, George Seymour, Al Champion, Tom Panzer, and Ken Farrell

1. Open Meeting with the Pledge of Allegiance
 - a. Led by Joanne Redding
2. Statement of Rules and Procedures
 - a. Issued by Tom Panzer
3. Approval of last month's minutes-June 2, 2022
 - a. Approved with addendum: An executive session to discuss litigation matters after the adjournment of hearing.
 - b. Motion to Approve Minutes with addendum
 - i. Motion to Approve
 1. Al Champion
 - ii. Second Motion to Approve
 1. George Seymour
 - iii. Vote to Approve Minutes with addendum
 1. 5/5 Ayes
4. Continued Hearing for 1977 Byberry Road, for Mark Tractenberg
 - a. Appeal Number: 2022-045-022
 - b. Location: 1977 Byberry Road
 - c. Tax Parcel: 02-045-022
 - d. Request: Variance for woodland and steep slope disturbance
 - e. Attorney: Michael J. Meginniss, Esquire
 - f. Summary
 - i. Applicant's attorney submitted a letter requesting a continuation. Counsel also has a conflict of interest.
 - g. Motion to Continue Hearing with appropriate waivers to August 4, 2022
 - i. Motion to Continue
 1. Al Champion
 - ii. Second Motion to Continue
 1. Harry Kramer
 - iii. Vote to Continue hearing with appropriate waivers to August 4, 2022
 1. 5/5 Ayes
5. Continued Hearing for 901 Tennis Ave, for Sperduto Investments
 - a. Appeal Number: 2022-1270
 - b. Location: 901 Tennis Avenue
 - c. Tax Parcel: 02-029-301
 - d. Request: Use variance to permit an indoor baseball facility
 - e. Attorney: Michael Meginniss, Esquire
 - f. Summary
 - i. The continuation was held for a decision only. The evidence record was closed. Mr. Meginniss submitted a written argument for the Board to take into consideration.

- g. Motion to Approve request for a use variance to permit an indoor baseball facility with conditions, if applicable
 - i. Motion to Approve
 - 1. Al Champion
 - h. Motion to Deny request for a use variance to permit an indoor baseball facility
 - i. Motion to Deny
 - 1. Harry Kramer
 - ii. Second Motion to Deny
 - 1. Joanne Fields
 - i. Vote to approve/deny request for a use variance to permit an indoor baseball facility
 - i. Harry Kramer—Vote to Deny
 - ii. Joanne Fields—Vote to Deny
 - iii. Joanne Redding—Vote to Deny
 - iv. George Seymour—Vote to Deny
 - v. Al Champion—Vote to Approve
 - j. Decision: Motion to Deny request for a use variance to permit an indoor baseball facility 4/5 voted in favor of denial.
6. Continued Hearing for 1455 Wells Drive/1388 Bridgewater Road. Mount Corp
- a. Appeal Number: 2022-163
 - b. Location: 1455 Wells Drive/1388 Bridgewater Road
 - c. Tax Parcel: 02-070-007-001
 - d. Request: Variance for woodland disturbances
 - e. Attorney: Michael Meginniss, Esquire
 - f. Exhibits
 - i. A3-TPD letter 7/22
 - ii. A4-Landscape revision plan submitted 6/20/22
 - iii. Previous Zoning Hearing Board Approval
 - g. Summary
 - i. This hearing was continued from June 4, 2022. The Board requested a landscape plan. Additional exhibits submitted by Counsel for the Applicant. Mr. Meginniss reviewed and explained the landscape revision plan regarding replacing of trees. Everything else with the plan stayed the same. Jake Kaplan was sworn in. They are unable to put back the trees removed two (2) years ago due to disease; however, applicant plans on replacing the dead/diseased trees with live and healthy trees. Joanne Redding commented about the trailers on the site being an eyesore. Mr. Kaplan stated he has tenants in those trailers and will have to go through the legal process to have them removed. He is trying to work on the appear of the property. Al Champion would like to see a variety of tree sizes. All trees being planted are small trees not able to help the previous ecosystem that was once there. Mr. Kaplan stated he would look into different tree species that would thrive. Al Champion stated that the TPD letter stated it was approved and questioned if it the letter should have stated “recommended.” Ken Farrell agreed that the wording could have been better. Tom Panzer stated that there are technical questions regarding the code on the

application. Al Champion questioned about the water retention area. Engineer, Justin Mocerri was sworn in. Mr. Mocerri stated that the water retention area is still located in the same area. Joanne Redding commented how the original building has yet to be maintained. Mr. Kaplan stated he would start maintaining the property tomorrow. George Seymour questioned the number of parking spaces available. The number of parking spaces on the property is seven (7). Al Champion asked Tom Panzer about procedure if request is denied. Tom Panzer stated applicant could go through the appeal process. Tom Panzer issued guidance to the Board.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. George Seymour
 - ii. Second Motion to Close
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - i. Motion to Deny variance request for woodland disturbances
 - i. Motion to Deny
 - 1. George Seymour
 - ii. Second Motion to Deny
 - 1. Al Champion
 - iii. Vote to Deny Variance Request for Woodland Disturbances
 - 1. 5/5 Ayes
7. Continued Hearing for 1206 Crespo Lane, for Ifhkar and Aisha Chaudhry
- a. Appeal Number: 2022-0473
 - b. Location: 1206 Crespo Lane
 - c. Tax Parcel: 02-072-478
 - d. Request: Variance for side yard and rear yard setback and impervious coverage
 - e. Attorney: Bryce McGuigan, Esquire
 - f. Exhibits
 - i. T1—Memo of permit record
 - g. Summary
 - i. Hearing was continued due to timing of the permit. Ken Farrell provided a memo of permit records and memo was placed on the record and marked as T1. Doug Maloney stipulated to the accuracy of the memo. Plans were submitted for a lot line change. There was discussion and expressed concern over storm water management. A plan for storm water management was never submitted. It was stated a condition be imposed, if request is approved, that a plan be submitted, and applicant pay for all expenses regarding storm water management. Ken Farrell was sworn in. Al Champion had a question regarding details submitted on February 26, 2021. Ken Farrell stated the request was denied and Quintin Nearon requested a more accurate plan. He was not on site on the date but had driven by. Mr. Nearon, then noticed construction on the property. A violation was immediately issued. The township allowed

construction of the roof to continue to prevent any damage to the main structure. Addition was greater than the size on the application. Ken Farrell proceeded to explain the drawing provided. Joanne Redding commented someone decided to make the addition bigger than the township approved and a builder would not make a structure bigger without approval. Applicant's attorney stated construction stopped over a year ago. It is not visibly appealing right now and has unusable space. Applicant is attempting to come into compliance. Testimony from audience was taken at the last hearing. No other members of the audience came forward in favor or opposition of request.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - i. Motion to Deny Request a Variance for side yard and rear yard setbacks and impervious coverage
 - i. Motion to Deny
 - 1. Al Champion
 - ii. Second Motion to Deny
 - 1. George Seymour
 - iii. Vote to Deny Variance Request for side yard and rear yard setbacks and impervious coverage
 - 1. 5/5 Ayes
8. Hearing for 4459 Bensalem Blvd for John and Diane Daily
- a. Appeal Number: 2022-1351
 - b. Location: 4459 Bensalem Blvd
 - c. Tax Parcel: 02-073-134
 - d. Request: Building setback variance
 - e. Attorney: None
 - f. Exhibits
 - i. A1-Applicatio with attachments
 - ii. A2-Certificates of Service
 - iii. B1-Lettr to the applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3—Proof of Posting on the premise
 - g. Summary
 - i. Applicant was sworn in. Applicant wishes to add and addition to the residence for a master bedroom. Applicant stated her daughter moved in during the Covid shutdown for three (3) weeks. Daughter is moving back in and applicant needs to be able to have some extra "breathing space" between them. Al Champion inquired about a slope on the odd shaped lot. Applicant stated she will manage the soil and water control. No further questions or comments from

the Board. No one from the audience came forward in favor or opposition of the applicant's request.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close Testimony
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - i. Motion to Approve request for a building setback variance
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second to Approve
 - 1. George Seymour
 - iii. Vote to Approve request for a building setback variance
 - 1. 5/5 Ayes
9. Hearing for 3485 Third Avenue for Brian and Natalie Ramberg
- a. Appeal Number: 2022-1433
 - b. Location: 3485 Third Avenue
 - c. Tax Parcel: 02-019-195
 - d. Request: Variance to permit a garage to be greater than the required 25% and front yard setback.
 - e. Attorney: None
 - f. Exhibits:
 - i. A1-Application with attachments
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on the premise
 - g. Summary
 - i. Brian and Natalie Ramberg were sworn in. They wish to add a porch and a garage. Size of porch is six (6) feet in depth and 40 feet long. The garage size to be 30 feet by 40 feet. The house is 1222 square feet. The roof would be an A-frame. Permits were already issued for other construction taking place on the property. Garage will be a three (3) -door garage with a small shop attached. Joanne Redding stated other problems regarding other garages of this size have been made into apartments. Applicants stated that is not the intent. The shed will be removed. Al Champion suggested removing the "attic" area and just do scissor trusses. Applicants agreed to remove the attic but asked to do flat trusses instead of scissor trusses. Applicant is looking for permission not forgiveness. No further questions from the Board. No one from the audience came forward in favor or opposition of the request.
 - h. Motion to Close Testimony
 - i. Motion to Close

1. Joanne Fields
 - ii. Second Motion to Close
 1. Al Champion
 - iii. Vote to Close Testimony
 1. 5/5 Ayes
 - i. Motion to Approve Variance request to permit a garage to be greater than the required 25% and front yard setback, garage is not to exceed 18 feet in height or have running water.
 - i. Motion to Approve
 1. Harry Kramer
 - ii. Second Motion to Approve
 1. George Seymour
 - iii. Vote to approve variance request to permit a garage to be greater than the required 25% and front yard setback is not to exceed 18 feet in height or have running water.
 1. 5/5 Ayes
10. Hearing for 599 Wink Lane/530 Haunted Lane for Winchester Part. of Blair Co., LLC
- a. Appeal Number: 2022-2124
 - b. Location: 599 Winks Lane and 530 Haunted Lane
 - c. Tax Parcel: 02-079-099 and 02-080-032
 - d. Request: Building setback, impervious coverage and lot area variance.
 - e. Attorney: Matthew McHugh, Esquire and Augusta O'Neill, Esquire
 - f. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on the premise
 - g. Summary
 - i. Mr. McHugh reviewed the history of the property and the plan. Engineer was sworn in to explain the proposed property plan submitted to the Board. Applicant wishes to add more parking for trailers. Right now, the lot can only hold 61 trailers. The property will house 102 loading docks. Applicant also wishes to add more impervious surfaces, restripe the lot to adhere to the 150 parking spaces for compact vehicles code, and improve storm water management. A private driveway was added to the property six to seven (6-7) years ago for the tractor trailers. Al Champion expressed concern regarding trailer/cab parking too close to the residences. Mr. McHugh stated the applicant is willing to work with the township to alleviate this issue. Al Champion inquired about a woodland study being done. Mr. McHugh stated surveys have not been completed yet. There will be no change in the hour of operations. No further comments or questions from the Board. Members of the audience did step forward in opposition to the request. John Dailey expressed concern over the noise being all night long. Alleges 40-50 trailers

move in and out all day long every day. He cannot open his windows due to the fumes. The sounds of some of the trailers are so loud that he jumps right out of bed. He expressed concern over Lake Louise because it floods the area after it rains. Mr. Daily concluded that the noise and water runoff is tremendous. Robert Stilwell stepped forward next. He agreed with Mr. Daily with the noise. He stated that back up indicators and banging are heard throughout the night. He has to use a noise machine at night to cancel out the noise of the trailers. HE also is concerned about possible flooding issues. Final audience member to step forward was Dennis Sigovich. Mr. Sigovich stated the noise is ludicrous and he does not believe the applicant will be able to maintain the water management. Al Champion inquired about flooding issues and relief. Ken Farrell stated at the moment there is no information regarding water issues. He is aware of storm water management is being worked on closer to the Broken Goblet by the state, as well as highway work but nothing near this particular location. Joanne Redding inquired about what could be done to alleviate the noise. Ken Farrell stated sound walls, trees, higher fences could be added to the applicant's property. Joanne Redding stated she would like to see some revisions to the plan showing some kind of noise barriers. Mr. McHugh argued that is part of the building and planning issue. The applicant has not been about to submit that kind of plan because they need to get the variances approved first. Applicant is willing to work with the township during the land and development stage about the noise issue.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
- i. Motion to Approve request for building setback, impervious coverage and lot area variances with conditions to address noise and flooding with Building and Planning
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve request for building setback, impervious coverage and lot area variances with conditions to address noise and flooding with Building and Planning
 - 1. 4/5 Ayes
 - a. Joanne Redding
 - b. George Seymour
 - c. Al Champion
 - d. Harry Kramer
 - 2. 1/5 Nays

a. Joanne Fields

11. Hearing for Hopkins Avenue and Clovernook Avenue, for Cherry Premier Prop., LLC

- a. Appeal Number: 2022-2112
- b. Location: Hopkins Avenue and Clovernook Avenue
- c. Tax Parcel: 02-061-184 and 02-061-179
- d. Request: Lot area and density variances
- e. Attorney: Zachary Sivertsen, Esquire/Mike Peters, Esquire
- f. Exhibits:
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Exhibit Booklet
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. B3-Proof of Posting on the premise
- g. Summary
 - i. Attorney reviewed and explained exhibits submitted within the exhibit packet marked as Exhibit A3. Applicant is withdrawing the density variance. Expert Witness CV was reviewed and accepted as an expert. The property has not improved and is a landlocked property. The property has access to a paper street. Al Champion mentioned that it was approved in 2015 for owner to use Hopkins but the applicant opted out. Now applicant owns both properties. Joanne Redding stated that the applicant did not do anything with the last approval issued in 2015. There is an easement accessible through the 20-foot ally running towards the trailer. Al Champion stated it is a safety issue. Audience members were asked to come forward. Gary Cantrell stated the property is swamp land. Cynthia Cowdrick, a resident since 1986, stated the original owner was an older woman who Willed everything to Holy Ghost Prep when she passed. Holy Ghost Prep sold off these properties to investors. The investors want to come through her property and tear her property apart to add a street three (3) feet from her home. Henry Perech stated concerns regarding disturbance of wildlife, possible water issues, and kids playing on the street the applicant wants access from. Mr. Brown stated traffic will quadruple, the property is wetlands. His basement already gets flooded. He inquired where the water is going to go. His last concern was also for the wildlife. Applicant requested a continuance to August 4, 2022 with waiver of time frame.
- h. Motion to Continue Hearing to August 4, 2022
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Continue Hearing to August 4, 2022
 - 1. 5/5 Ayes

12. Hearing for 2074 New York Avenue for Shahid Hashaam

- a. Appeal Number: 2022-2123

- b. Location: 2074 New York Avenue
- c. Tax Parcel: 02-060-040
- d. Request: Building setbacks, lot frontage and width and lot area
- e. Attorney: Michael Meginniss, Esquire
- f. Exhibits:
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on the premise
 - vi. B4-Previous 4/28/22 Decision
- g. Summary
 - i. Attorney gave a summary of previous hearing and decision. Applicant sold one (1) of the lots. The two (2) lots were always separate and apart. Applicant would like to build a home for his mother. Hashaam Shahid was sworn in. Mr. Shahid resides on Tennis Avenue and has been a resident of Bensalem for 13 plus years. Applicant had a life changing accident. He no longer wants to be a landlord and his mother is elderly. The one parcel was sold to the tenant who lived in the house. The vacant parcel has nothing connecting it to the adjacent property. The properties were always separated by a fence and had separate tax parcels. Al Champion questioned if both properties were on one (1) deed. Applicant stated the first year he received a tax bill on the vacant property because the mortgage company only forwarded taxes on parcel with the house. Tom Panzer stated there is no hardship because it was two (2) separate lots. The applicant did not create the hardship. No further questions or comments from the Board. No one came forward in favor or opposition to the applicant's request.
- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
- i. Motion to Approve request for building setbacks, lot frontage and width and lot area variances.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve request for building setbacks, lot frontage and width and lot area variances
 - 1. 5/5 Ayes

13. Hearing for 1749 Street Road for Bensalem MZL c/o Katz Prop. Mtg, LLC

- a. Appeal Number: 2022-2104
- b. Location: 1749 Street Road
- c. Tax Parcel: 02-043-305
- d. Request: variance for parking setbacks
- e. Attorney: Michael Meginniss
- f. Exhibit:
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting.
- g. Summary
 - i. Attorney reviewed subdivision site proposal regarding parking. Christopher Riggle was sworn in. Mr. Riggle prepared and explained the plan regarding the subdivision and parking. Parking setbacks are needed due to the property line. Joanne Redding inquired to the reasoning of coming before the Board if ownership is not changing. Owner would like to sell someday. An REA is in place and covers regardless of whether or not Chase Bank leases or purchases the slab. No further questions or comments from the Board. No one came forward in favor or opposition of the request.
- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
- i. Motion to Approve variance request for parking setbacks
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance request for parking setbacks
 - 1. 5/5 Ayes

14. Adjournment

- a. Motion to Adjourn
 - i. Harry Kramer
- b. Second Motion to Adjourn
 - i. George Seymour
- c. Vote to Adjourn Hearing
 - i. 5/5 Ayes